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# MEMO ENDORSED

April 14, 2011

## Via Facsimile Transmission

The Honorable P. Kevin Castel  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Hatchett v. T&M Transportation, et als  
Docket No: 09-cv-08810 (PKC) (AJP)

Dear Judge Castel:

This firm represents the defendant, Abdikadir Ali Liban in the above-referenced matter. We write this letter on behalf of all parties to request a modification/extension of the present discovery schedule, due to the recent death of Mr. Liban's mother in Dubai, and the resulting adjournment of his deposition that was scheduled for April 13, 2011. Mr. Liban lives in Minnesota, and we had scheduled him to travel to New York for his deposition today. Last week, we received a telephone call from his wife, who advised that Mr. Liban had to leave the country unexpectedly due to the death of his mother in Dubai. He had traveled to Dubai to make funeral arrangements and to attend the funeral and was not expected to return to the country until April 15, 2011. His wife advised that he would telephone us immediately upon his return so that his deposition could be rescheduled.

By way of Endorsed Memo dated October 4, 2010, Your Honor had set forth a discovery schedule which extended fact discovery to April 15, 2011, the time for completion of expert discovery to May 30, 2011 and a status conference was scheduled for April 22, 2011 at 11:00 a.m. We have received notification today from the Court that the status conference has been moved up to April 19, 2011.

We write to ask the Court's permission to extend the discovery schedule to accommodate an extension of time to conduct Mr. Liban's deposition and any documentary discovery that may follow, as well as to accommodate some documentary discovery which is needed following the deposition of the plaintiff which was recently conducted on March 23, 2011. We would ask that the time period for fact discovery be extended to May 30, 2011 and that the time for completion of expert discovery be

*The time in paragraph 5 of the CM0/50 is extended to May 30, 2011 and the time in paragraph 7 is extended to July 15, 2011.*  
*The conference is adjourned from April 19 to June 6, 2011 at 11:15 a.m.*  
*SO ORDERED.*

*USDS*  
*4-14-11*

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extended to July 15, 2011. The parties have completed the depositions of both the plaintiff and co-defendant T&M Transportation and the IME's of the plaintiff have also been conducted and we are awaiting receipt of the IME reports.

If the Court will grant the above-requested adjournment request, it is further respectfully requested that the status conference presently scheduled for April 19, 2011 be adjourned to accommodate the completion of the remaining discovery.

Respectfully submitted,



ERIC B. SCHOENFELD  
EBS8532

cc: Joshua Kelner, Esq.  
Seth Abrams, Esq.